

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MARK ISAAC SNARR	§	
	§	
V.	§	No. 1:13CV724
	§	Crim. No. 1:09CR00015(1)
UNITED STATES OF AMERICA	§	

UNOPPOSED MOTION TO EXTEND TIME FOR RESPONSE

The United States respectfully moves for an extension of 120 days in which to file its response to Petitioner's motion for collateral review under 28 U.S.C. § 2255.

I. PROCEDURAL BACKGROUND

On February 20, 2015, Petitioner filed a motion for collateral relief under 28 U.S.C. § 2255, which is currently pending before the Court. (ECF 23). Petitioner previously moved that his motion for collateral relief and all supporting exhibits (ECF 24–29) be filed under seal and the Court granted the request. (ECF 31). This Court, upon the request of the United States, stayed this proceeding while the Supreme Court considered the issues raised in *Kansas v. Carr*, 136 S. Ct. 633 (2016). (ECF 38). The stay was lifted on April 14, 2016, and the Court has ordered that the United States respond to Petitioner's § 2255 motion for collateral relief by August 1, 2016. (ECF 41). The United States moved to extend time to respond on four separate occasions. (ECF 49, 51, 53, 55). The Court has ordered the government's response due on November 1, 2017. (ECF 56).

II. REASONS FOR THE EXTENSION REQUEST

The United States asks this Court for an extension of 120 days in which to file its response to Snarr's § 2255 motion for collateral relief. Since the previous extension

request, undersigned counsel has made significant progress towards completing the United States' response. Because of the voluminous records and number of claims, and undersigned counsel's workload, the United States needs additional time to complete the review and response to all claims made by Snarr.

In addition, counsel for Snarr has informed the United States that the Bureau of Prisons is in final review of documents that are relevant to some of Snarr's claims and anticipates disclosing those documents soon under the Freedom of Information Act. The United States requests this extension of time to respond in order to review and respond to the forthcoming documents. In conferring with Snarr's counsel, the parties believe that a 120 day extension should allow enough time to obtain, review, and respond to the additional documents.

Undersigned counsel is also currently preparing the United States' response to co-defendant Edgar Garcia's § 2255 motion. In that case, the United States has moved for an unopposed extension of time, in part because additional relevant sealed records are currently being disclosed. The United States will need additional time to review those records and incorporate its review in the Garcia response.

The United States needs this additional time in order to complete its review of the voluminous trial record, including any additional records, in order to adequately answer Snarr's numerous claims. Due to the complex nature of this case, and the Garcia case, the United States respectfully requests the additional time within which to prepare an appropriate response to both motions for collateral relief.

III. Certificate of Conference

Undersigned counsel has conferred with counsel for Petitioner who indicates Petitioner has no objection to this extension request.

IV. Conclusion

For the reasons stated above, the United States moves the Court to extend the deadline for the filing of a response to Petitioner's motion for collateral relief 120 days from November 1, 2017, to March 1, 2018.

Respectfully submitted,

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/s/ Jeffrey A. Zick

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Certificate of Service

I certify that on October 19, 2017, this document was served by the Court's ECF system on Kathy N. Nester and Robert Edward Lee, counsel for Petitioner.

/s/ Jeffrey A. Zick

Jeffrey A. Zick

Trial Attorney

U.S. Department of Justice